

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel HERNANDEZ-Gonzalez,

Defendant

Magistrate Docket No.

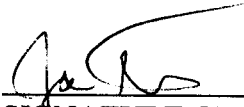
COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States07 OCT 30 AM 10:23
'07 MJ 2556

The undersigned complainant, being duly sworn, states:

On or about **October 28, 2007** within the Southern District of California, defendant, **Miguel HERNANDEZ-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **October, 2007**.

 Louisa S. Porter
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Miguel HERNANDEZ-Gonzalez****PROBABLE CAUSE STATEMENT**

On October 28, 2007, at approximately 11:10 PM, Border Patrol Agent J. Nesbit was conducting linewatch duties as part of the All Terrain Vehicle (ATV) Unit in the area known as Whiskey-8. This area is approximately two miles west of the San Ysidro, California Port of Entry and approximately one hundred yards north of the United States/Mexico International Boundary Fence. This area is commonly used by undocumented aliens attempting to further their illegal entry into the United States. Agent Nesbit witnessed one individual later identified as the defendant, **Miguel HERNANDEZ-Gonzalez** using a hydraulic jack to break the infrastructure that covers a drain system. As Agent Nesbit drove towards the defendant, the defendant threw the jack in Nesbit's direction and began to run. Agent Nesbit pursued the defendant on foot and after a brief struggle was able to take the defendant into custody. Agent Nesbit identified himself as a United States Border Patrol Agent and conducted an immigration inspection on the defendant. The defendant admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to enter or remain in the United States legally. The defendant was arrested and transported to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 2, 1990** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without having an attorney present. The defendant freely admitted to being a Mexican citizen present in the United States without the proper immigration documents that would allow him to enter or remain in the United States legally. **HERNANDEZ** stated that the reason he illegally entered into the United States was to assist in compromising the international boundary infrastructure.